



**BUILDING AND STANDARDS COMMISSION  
MINUTES**

**REGULAR MEETING  
Wednesday, January 28, 2015**

The Building and Standards Commission convened for regular meeting on Wednesday, January 28, 2015, at City Hall, Boards and Commission Room, Room 1101, 301 West 2<sup>nd</sup> Street, Austin, Texas.

Vice Chair David Brown called the Commission Meeting to order at 6:35 p.m.

Commission Members in Attendance:

David Brown, Chair; Steven Alloway, Vice Chair; Charles Cloutman; Jessica Mangrum; Melissa Orren; and Craig Wright.

Staff in Attendance: Christopher Moore - Building & Standards Commission Coordinator; Douglas Jansky - Administrative Hearing Coordinator; Edgar Hinojosa - Assistant Division Manager; Marcus Elliott - Acting Division Manager; Merlinda Coleman - Program Specialist; Daniel Cardenas - Assistant Director, Austin Code Department; Patricia Link - Assistant City Attorney; Matthew Noriega - Assistant Division Manager; Elaine Garrett - Division Manager, East and South Districts; Chris Maldonado - VSC Inspector; Robert Alvarado - Assistant Manager - East District; Moses Rodriguez - Code Officer; James Paxton - Code Officer; Steve Oswalt - Code Officer; Tony Hernandez - Residential Building Inspection; Michael Reeves - Code Officer; Farah Presley - Code Officer.

**1. CITIZEN COMMUNICATION: GENERAL**

Stuart Hersh spoke to the Commission about expansion and expedited repair permits. He noted no public hearings were conducted as a result of that Council action in 2013. On December 11, 2014, City Council approved expansion of BSC; they also passed a code amendment to allow metered parking to count towards onsite parking requirements. There has still not been public hearing on BSC expansion. He hopes previous public participation exclusionary patterns will change to align with new Council goals on citizen participation. Discussion followed regarding public hearings.

**2. APPROVAL OF MINUTES**

- A. December 10, 2014 - Building & Standards Commission's Minutes. Commissioner Orren moved to accept the minutes; Commissioner Alloway seconded. Motion was approved unanimously.

**3. PUBLIC HEARINGS**

Commission Coordinator, Christopher Moore, presented the following cases:

**A. APPEALS:**

**CL-2012-021819**

**1810 Clifford Avenue**

**Thelma Watson-McNeese, et al.**

1810 Clifford Avenue is an unoccupied single-family residential structure. This property was represented by Michael Watson, heir of the property.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore an attractive nuisance with dangerous and substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2I; adopt the findings of fact and conclusions of law for this property and deny the owner's appeal.

The exhibits were admitted by Chair Brown. Mr. Watson addressed the Commission. Discussion followed. Commissioner Cloutman made a motion to deny the appeal and let process move forward. Commissioner Alloway seconded; the motion was approved unanimously.

**CL-2015-005099**

**5506 Avenue H**

**Ronald K. Valentine**

5506 Avenue H is a single-family residential property. The property was represented by the property owner and his son, Ron Valentine, Jr.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2I; adopt the findings of fact and conclusions of law for 5506 Avenue H and deny the owner's appeal.

The exhibits were admitted by Chair Brown. Mr. Valentine addressed the Commission. Discussion followed. Commissioner Cloutman made a motion to deny the appeal. Commissioner Orren seconded; the motion was approved unanimously.

**B. CASES:**

**CL-2015-005099**

**5506 Avenue H**

**Ronald K. Valentine**

5506 Avenue H is a single-family residential property. The property was represented by the property owner, Ron Valentine, and his son, Ron Valentine, Jr.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2I; adopt the findings of fact and conclusions of law for 5506 Avenue H and issue an order that requires the property owner or property owner's representative to secure all necessary permits, correct the cited violations by repairing the structure within 30 days from the date the order is mailed to the owner, repair or make all modifications required to meet or exceed all applicable codes; require the owners or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$140 per week after 30 days if all work has not been completed and final inspections passed.

The exhibits were admitted by Chair Brown. Mr. Valentine addressed the Commission and offered Respondent's Exhibit 1. Discussion followed. Jeremy Jagodzinski, a neighbor, addressed the

Commission. Commissioner Cloutman made a motion to adopt staff's findings of fact and conclusions of law and adopt staff's order to correct violations within 30 days and make necessary repairs, with penalty as recommended by staff. Commissioner Orren seconded the motion, and the motion was approved unanimously.

**CL-2015-004629**

**1715 Barn Swallow Drive**

**Joseph J. Hajjar**

1715 Barn Swallow Drive is an unoccupied single-family residential property. The property was represented by Kareem Hajjar, property owner's son and attorney.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public and attractive nuisance with dangerous and substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2S; adopt the proposed findings of fact and conclusions of law for this property and issue an order that requires the property owner or property owner's representative to secure all necessary permits; correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; require the owners or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$250 per week after 30 days if all work has not been completed and final inspections passed.

The exhibits were admitted by Chair Brown. Mr. Kareem Hajjar addressed the Commission. Neighbors, James Steed and Jane Maxwell, addressed the Commission. AFD Battalion Chief Thayer Smith addressed the Commission. Discussion followed.

Commissioner Cloutman made a motion to adopt the findings of fact and conclusions of law and accept Staff's recommendations and that after 60 days the penalty increases to \$1000 per week and increases to \$1000 per day after 90 days. Commissioner Alloway seconded the motion; the motion was approved unanimously.

**CL-2015-004643**

**7708 Albert Road**

**Graham Mortgage Corporation**

7708 Albert Road is an unoccupied commercial property. The property was represented by Marti Robertson, agent for the owner.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public and attractive nuisance with dangerous and substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2O; adopt the proposed findings of fact and conclusions of law for 7708 Albert Road and issue an order that requires the property owner or property owner's representative to secure a demolition permit; all structures on the property demolished and the lot left in a cleaned and raked condition within 30 days from the date the order is mailed to the owner; require the owner or owner's representative to request inspection to verify compliance; if compliance is not achieved within 30 days, the Code Official may proceed with demolition and consider all portions of the structure, including items and around the structure, as debris and dispose as such, and a lien for all expenses incurred by the City of Austin will be filed and recorded with Travis County deed records.

The exhibits were admitted by Chair Brown. Ms. Robertson addressed the Commission. Discussion followed.

Commissioner Cloutman made a motion that the Commission to adopt the findings of fact and conclusions of law and accept the Staff's recommendations with the exception of amending the compliance period to 60 days; after 60 days a penalty of \$1000 per week would be assessed until the work is completed; any charges would be a lien on the property. Commissioner Alloway seconded the motion. Commissioner Orren made a friendly amendment that both items 2 and 4, be 60 days instead of 30. Commissioner Cloutman accepted Commissioner Orren's motion. Commissioner Alloway seconded the amended motion. The motion was approved unanimously.

**CL-2015-123489**

**4510 Tejas Trail**

**Caroline & Luther Edwards**

4510 Tejas Trail is an occupied single-family residential structure that is tenant-occupied and not homesteaded. The property was not represented.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2O; adopt the proposed findings of fact and conclusions of law for 4510 Tejas Trail and issue an order that requires the property owner or owner's representative to secure all necessary permits; correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; require the owners or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$500 per week after 30 days if all work has not been completed and final inspections passed.

The exhibits were admitted by Chair Brown. Commissioner Wright made a motion to adopt the findings of fact and conclusions of law and accept staff's recommendations. Commissioner Alloway seconded the motion. The motion was approved unanimously.

**CL-2015-004622**

**303 Lightsey Road**

**Rodney K. Florence**

303 Lightsey Road is an occupied single-family residential structure that is homesteaded. The property was represented by property owner, Rodney Florence.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2I; adopt the proposed findings of fact and conclusions of law for 303 Lightsey Road and issue an order that requires the property owner or property owner's representative to secure all necessary permits; correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; require the owners or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$70 per week after 30 days if all work has not been completed and final inspections passed.

The exhibits were admitted by Chair Brown. Mr. Florence addressed the Commission.

Commissioner Cloutman made a motion to adopt the findings of fact and conclusions of law and accept staff's recommendations. Commissioner Alloway seconded the motion. The motion was approved unanimously.

**CL-2015-004473**

**5609 Cougar Drive**

**Vitae Real Estate Holdings, LP**

5609 Cougar Drive is a commercial multifamily residential property. The property was represented by Michael Farnell, consultant retained by the owner; Sean Kubacek, UTR Property Management.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2W; adopt the proposed findings of fact and conclusions of law for 5609 Cougar Drive and issue an order that requires the property owner or property owner's representative to secure all necessary permits; submit an engineer's report, correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; request inspection to verify compliance; and be assessed a penalty of \$1000 per week after 30 days if all work has not been completed and final inspections passed.

Discussion followed. Mr. Farnell addressed the Commission. Discussion followed. Mr. Kubacek addressed the Commission.

Commissioner Cloutman made a motion that the Commission adopt the findings of fact and conclusions of law and accept the staff's recommendations, amended to extending the compliance period to 45 days from the date that the order is mailed; with the \$1000 per/week penalty after 45 days, and if compliance is beyond the control of the owners, that the case come back before the Commission for some sort of forgiveness of the penalties. Commissioner Orren seconded the motion. The motion was approved unanimously.

**CL-2015-004646**

**2103 Rosewood Avenue, Bldg. 1**

**Gene A. Mays**

2103 Rosewood Avenue is an occupied commercial multifamily property.

Staff proposed the following Agreed Order for Building 1 to the Commission: The Commission admit exhibits 1 and 2A through 2S; adopt the findings of fact and conclusions of law for 2103 Rosewood Avenue, Bldg. 1. Order all necessary permits be secured. Order Building 1 to be repaired within 90 days from the date the order is mailed to the owner. Order all repairs or modifications shall meet or exceed the requirements of all applicable codes, and the owner or owner's representative shall request inspection to verify compliance. After 90 days, a penalty of \$500 per week shall be assessed until work is completed with final inspections passed.

Chair Brown admitted exhibits 1 and 2A through 2S. Commissioner Wright made a motion to accept the agreed order. Commissioner Orren seconded the motion. The motion was approved unanimously.

**CL-2015-004647      2103 Rosewood Avenue, Bldg. 2**

**Gene A. Mays**

2103 Rosewood Avenue is an occupied commercial multifamily property.

Staff proposed the following Agreed Order for Building 2 to the Commission: The Commission admit exhibits 1 and 2A through 2M; adopt the findings of fact and conclusions of law for 2103 Rosewood Avenue, Bldg. 2. Order all necessary permits be secured. Order Building 2 to be repaired within 90 days from the date the order is mailed to the owner. Order all repairs or modifications shall meet or exceed the requirements of all applicable codes, and the owner or owner's representative shall request inspection to verify compliance. After 90 days, a penalty of \$500 per week shall be assessed until work is completed with final inspections passed.

Chair Brown admitted exhibits 1 and 2A through 2M. Discussion followed. Commissioner Mangrum made a motion to accept the agreed order. Commissioner Orren seconded the motion. The motion was approved unanimously.

**CL-2015-004623**

**6407 Woodhue Drive**

**Robert R. Conrad**

6407 Woodhue Drive is an unoccupied single-family residential structure. The property was not represented.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2N; adopt the proposed findings of fact and conclusions of law for 6407 Woodhue Drive and issue an order that requires the property owner or owner's representative to secure all necessary permits; correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; require the owner or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$500 per week after 30 days if all work has not been completed and final inspections passed.

Chair Brown admitted exhibits 1 and 2A through 2N. Discussion followed. Commissioner Cloutman made a motion that the Commission to adopt the findings of fact and conclusions of law and the order, with the amendment that the penalty after 30 days be \$1000 per week and that the case be brought back before the Commission in four months. Commissioner Alloway seconded. The motion was approved unanimously.

**CL-2015-004625**

**7906 Woodcroft Drive**

**Hector Dominguez**

7906 Woodcroft Drive is an occupied single-family residential structure that is not homesteaded. The property was not represented.

The City of Austin's Code Department found that this property is in violation of the International Property Maintenance Code, adopted by reference, in sections 25-12-211, et seq., of the Austin City Code and is therefore a public nuisance with substandard conditions.

Staff recommended the following to the Commission: The Commission admit exhibits 1 and 2A through 2L; adopt the proposed findings of fact and conclusions of law for 7906 Woodcroft Drive and

issue an order that requires the property owner or owner's representative to secure all necessary permits; correct the cited violations by repairing the structure within 30 days of the date the order is mailed to the owner; repair or make all modifications required to meet or exceed all applicable codes; require the owner or owner's representative to request inspection to verify compliance; and be assessed a penalty of \$500 per week after 30 days if all work has not been completed and final inspections passed.

Chair Brown admitted exhibits 1 and 2A through 2L. Commissioner Cloutman made a motion that the Commission to adopt the findings of fact and conclusions of law and the order without amendment. Commissioner Wright seconded the motion. The motion was approved unanimously.

#### **4. BRIEFING, DISCUSSION, AND POSSIBLE ACTION**

- A. Update on Council action concerning a two-panel Commission: Assistant City Attorney Patricia Link provided update on the newly approved Commission that will consist of two panels of 11 members, each beginning in July 2015. Discussion followed.

#### **5. FUTURE AGENDA ITEMS**

No action.

#### **ADJOURNMENT**

With motion made by Commissioner Cloutman; seconded by Commissioner Wright, and no dissent, the Commission meeting was adjourned by the Chair at 10:08 p.m.